

117798
DECISION



20558
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Billard.

FILE: B-202012 **DATE:** January 15, 1982

MATTER OF: Security Assistance Forces &
Equipment OHG

DIGEST:

Protester has not affirmatively proven (1) that agency was required to satisfy need for an alarm system by using existing Government-owned equipment, rather than installing new equipment, and (2) that protester's low quotation based on installing Government-owned equipment was timely received. GAO therefore has no objection to agency's issuance of purchase order to firm quoting lowest price for furnishing and installing equipment specified.

Security Assistance Forces & Equipment OHG (SAFE) protests the award of purchase order No. DAJA10-81-M-0692 by the U.S. Army Procurement Agency, Europe, Augsburg, to Taylor Elektroninstallations (Taylor).

The contracting officer, on December 23, 1980, orally sought quotations from SAFE and Taylor to satisfy an emergency requirement for the supply and installation of an alarm system in a banking facility. The quotations were to be submitted on that date and the system was to be installed no later than January 1, 1981. Taylor submitted a quotation of DM 10,000 (\$5,617.98); SAFE provided an oral quotation of DM 18,500 (\$10,393.26). A purchase order was issued to Taylor on December 23, 1980. Taylor completed installation by January 1, and was paid DM 9,750 (\$5,477.53).


SAFE states that prior to submitting its quotation it contacted the Army engineers at Augsburg and was told this installation was temporary in nature. Temporary installations, SAFE argues, must under Army regulations be satisfied through the use of Government-owned J-SIIDS equipment rather than through the purchase

of new equipment. SAFE alleges that in addition to its quotation of DM 18,500, for furnishing and installing the alarm system specified, it also provided a much lower quotation of DM 2,000 for installing Government-furnished J-SIIDS equipment. It states it made the latter offer both orally on December 23 and in a letter of December 27, a copy of which it has furnished us. SAFE maintains that since the Army was required to use J-SIIDS equipment, SAFE should have been issued the purchase order to install that equipment and that the purchase order to Taylor was in violation of Army regulations and at an excessive price.

Although SAFE has generally alleged that "appropriate regulations" required the use of J-SIIDS equipment in this instance, it has provided no specifics in support of its allegation. The Army advises that the installation was not temporary in nature, as contended by SAFE, and that the use of Government-owned J-SIIDS equipment was not required. Therefore, on this record we can only conclude that a quotation from SAFE based upon installing Government-owned equipment, even if timely received, would not have been responsive to the Army's request for quotations for furnishing and installing a different system.

Moreover, with respect to SAFE's allegation that it submitted a timely low quotation, the contracting officer reports that SAFE's quotation of DM 2,000 was first communicated in SAFE's letter of December 27, which was received after award and during contract performance. The contracting officer states that the only quotation received from SAFE on December 23, 1980, the date quotations were solicited, was for DM 18,500. The Summary of Quotations in the record supports this statement. Since the only evidence concerning whether the DM 2,000 quotation was submitted on December 23, 1980 are conflicting statements from SAFE and the contracting officer, we do not believe SAFE has affirmatively proven its case on this point either. See Security Assistance Forces & Equipment OHG, B-195830, February 8, 1980, 80-1 CPD 114.

The protest is denied.

for 
Comptroller General
of the United States